

ORDINANCE NO. _____

AN ORDINANCE APPROVING A GRADE SEPARATED ROAD CROSSING LICENSE AGREEMENT BY AND BETWEEN THE CITY OF DENTON AND THE DALLAS AREA RAPID TRANSIT FOR THE MAYHILL PHASE 2 PROJECT RELATING TO THE LOCATION OF A CITY ROADWAY CROSSING THE CORRIDOR AT MILE POST 725.07 OF THE DENTON LINE WITHIN THE COUNTY AND CITY OF DENTON, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND PAY THE \$10.00 LICENSE FEE; AUTHORIZING THE EXPENDITURE OF FUNDS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayhill Phase 2 Project (the "Project") is under design by Freese and Nichols, Inc.; and

WHEREAS, the required public improvements associated with the Project include extending Mayhill Roadway as a four-lane divided primary arterial roadway crossing over the existing Dallas Area Rapid Transit ("DART") right-of-way; and

WHEREAS, the design of the Mayhill Road rail crossing (road over rail) has been reviewed and approved by DART; and

WHEREAS, DART requires a Grade Separated Road Crossing License Agreement for infrastructure placed within its right-of-way and has presented the agreement required by DART, a copy of which is attached hereto and made a part hereof as Exhibit A (the "License Agreement"); and

WHEREAS, the City of Denton ("City") will own the roadway infrastructure; and

WHEREAS, the City Council finds that entering into the License Agreement with DART serves a public interest and should be approved; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The recitals contained in the preamble of this ordinance are hereby incorporated into the body of this ordinance are true and correct.

SECTION 2. The City Manager, or their designee, is authorized to execute the License Agreement between the City of Denton and Dallas Area Rapid Transit in substantially the form attached hereto as Exhibit A, for the purpose of locating a City roadway within Dallas Area Rapid Transit right-of-way.

SECTION 3. The City Manager is further authorized to carry out all obligations and duties of the City as set forth in the License Agreement, including but not limited to the expenditure of funds.

SECTION 4. This ordinance shall become effective immediately upon its passage and approval.

The motion to approve this ordinance was made by _____ and seconded by _____. The ordinance was passed and approved by the following vote [___ - ___]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Gerard Hudspeth, Mayor:	_____	_____	_____	_____
Vicki Byrd, District 1:	_____	_____	_____	_____
Brian Beck, District 2:	_____	_____	_____	_____
Jesse Davis, District 3:	_____	_____	_____	_____
Alison Maguire, District 4:	_____	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	_____	_____	_____	_____
Chris Watts, At Large Place 6:	_____	_____	_____	_____

PASSED AND APPROVED this the _____ day of _____, 2022.

GERARD HUDSPETH, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

By: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

By: Marcella Lumen